

2014

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Statute Law Amendment Bill 2014 (No 2)

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## **Statute Law Amendment Bill 2014 (No 2)**

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### **A Bill for**

An Act to amend legislation for the purpose of statute law revision

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **1 Name of Act**

2 This Act is the *Statute Law Amendment Act 2014 (No 2)*.

3 **2 Commencement**

4 This Act commences on the 14th day after its notification day.

5 *Note* The naming and commencement provisions automatically commence on  
6 the notification day (see [Legislation Act](#), s 75 (1)).

7 **3 Notes**

8 A note included in this Act is explanatory and is not part of this Act.

9 *Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of  
10 notes.

11 **4 Purpose of Act**

12 The purpose of this Act is to improve the quality of the statute law  
13 of the Territory by amending legislation for the purpose of statute  
14 law revision.

15 **5 Legislation amended—schs 1–3**

16 This Act amends the legislation mentioned in schedules 1 to 3.

1 **Schedule 1** **Minor amendments**

2 (see s 5)

3 **Part 1.1** **Health Records (Privacy and**  
4 **Access) Act 1997**

5 **[1.1] Dictionary, definition of *health service provider***

6 *omit*

7 in the ACT

8 **Explanatory note**

9 Currently, the definition of *health service provider* is restricted to entities that provide a health  
10 service in the ACT. The inclusion of this geographical limitation can create difficulties in  
11 relation to the sharing of information between members of a treating team if some of the health  
12 service providers are located outside the ACT. This is because the definition of *treating team* is  
13 restricted to health service providers, so that if a consumer is receiving health treatment from a  
14 provider outside the ACT, information may not be shared with that provider in the same way as  
15 information may be shared among the members of a treating team within the ACT.

16 This amendment will remove the limiting words 'in the ACT' from the definition of *health*  
17 *service provider*. As a consequence, the definition will not be explicitly geographically limited.  
18 Under the amended definition, whether or not the Act applies to a particular health service  
19 provider will depend on the general rule that there is a relevant connection to the ACT.

1       **Part 1.2**                               **Lifetime Care and Support**  
2   **(Catastrophic Injuries) Act 2014**

3       **[1.2]       New section 6 (3) (aa)**

4                               *insert*

5                               (aa) a compulsory third-party insurance policy was in force for the  
6   motor vehicle under the law of a jurisdiction other than the  
7   ACT at that time; or

8       **Explanatory note**

9       This amendment inserts a new paragraph to make it clear that the term ‘CTP cover under the  
10       CTP Act’ extends to a motor vehicle involved in a motor accident if the vehicle is covered by a  
11       compulsory third-party insurance policy in force under the law of a jurisdiction other than the  
12       ACT. This clarification is consistent with the *Motor Accidents (Lifetime Care and Support)*  
13       *Act 2006* (NSW), which the Act is intended to mirror and on which minimum benchmarks  
14       agreed for the National Injury Insurance Scheme for motor accidents have been modelled.

15       **[1.3]       Section 98 (1) and (2)**

16                               *omit*

17                               director-general

18                               *substitute*

19                               LTCS commissioner

20       **Explanatory note**

21       This amendment revises section 98 to give the power to approve forms to the LTCS  
22       commissioner instead of the director-general. The LTCS commissioner is responsible for  
23       decisions about a person’s eligibility for the LTCS scheme and a participant’s treatment and  
24       care needs. Most of the forms required under the Act relate to these functions, for example,  
25       applications to participate in the LTCS scheme, so it is appropriate for the LTCS commissioner  
26       to have the power to approve the forms.

## Schedule 2      Legislation Act 2001

(see s 5)

### [2.1]      Section 2, note 2

*substitute*

*Note 2* Pt 1 defines terms commonly used in Acts (including this Act) and statutory instruments. For example, because of the definition '*calendar month* means one of the 12 months of the year.', the term 'calendar month' has the defined meaning wherever the term is used in an Act or statutory instrument unless the Act or instrument provides otherwise or the contrary intention otherwise appears (see s 144 and s 155).

#### Explanatory note

This amendment updates the note as a consequence of the remaking of the definitions of *month* and *calendar month* by other amendments.

### [2.2]      Section 151 (1), note 1

*omit*

- *named month*

#### Explanatory note

Note 1 lists a number of terms defined in the dictionary, part 1 that are relevant to periods of time. This amendment omits a reference to *named month* as a consequence of the omission of the definition of that term from the dictionary, part 1, by another amendment.

### [2.3]      Section 151 (2) to (7)

*substitute*

- (2) A period of time mentioned in an Act or statutory instrument that is of a kind mentioned in an item in the following table is to be worked out according to the rule mentioned in column 3 of the item:

**Table 151 Working out periods of time**

<b>column 1 item</b>	<b>column 2 If the period of time—</b>	<b>column 3 then the period—</b>
1	is described as beginning at, on or with a stated day, act or event	includes the stated day or the day of the stated act or event
2	is described as beginning from or after a stated day, act or event	does not include the stated day or the day of the stated act or event
3	is described as ending at, by, on or with, or as continuing to or until, a stated day, act or event	includes the stated day or the day of the stated act or event
4	is described as ending before a stated day, act or event	does not include the stated day or the day of the stated act or event
5	is described as occurring between 2 events	does not include the days when the events happen

**1 Example—item 1**

2 If a licence begins on the first day of a financial year, the licence is in force on that day.

**3 Example—item 2**

4 If a disallowable instrument is described as beginning from 30 June, the instrument starts to  
5 operate on 1 July.

**6 Example—item 3**

7 If a person's right to apply for review of a decision ends on the last day of a financial year, the  
8 person may apply for review of the decision on that day.

**9 Example—item 4**

10 If a person may apply for renewal of accreditation not later than 6 months before the day the  
11 accreditation period ends, and the accreditation period ends on 2 November, the person may  
12 apply for renewal at any time during the 6-month period ending on 1 November.



1 **Example—item 5**

2 A court rule requires a notice of motion to be served 2 days before the return date for the  
3 application. If the return date is Friday, that day and the day the application is served are not  
4 counted in working out the 2 days. For service to be valid, the application must be served on or  
5 before the Tuesday before the return date.

6 *Note* An example is part of the Act, is not exhaustive and may extend, but does not limit, the  
7 meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

8 (3) Despite table 151, item 3, if, under an Act or statutory instrument,  
9 something must or may be done within a particular period of time  
10 after a stated day, the thing may be done on the stated day.

11 **Explanatory note**

12 Section 151 deals with working out periods of time generally in an Act or statutory instrument.  
13 This amendment replaces section 151 (2) to (6) with a table to make working out periods of  
14 time easier for users of legislation. The table is based on a similar table in the [Acts](#)  
15 [Interpretation Act 1901](#) (Cwlth), section 36.

16 Proposed table 151 replaces current section 151 (2) to (6) as follows:

- 17 • item 1 replaces current section 151 (2)
- 18 • item 2 replaces current section 151 (3)
- 19 • item 3 replaces current section 151 (4)
- 20 • item 4 replaces current section 151 (5)
- 21 • item 5 replaces current section 151 (6).

22 Proposed section 151 (3) replaces current section 151 (7) as a consequence of the replacement  
23 of current section 151 (4) by proposed item 3 of the table.

24 The proposed amendment does not substantively change the existing policy on working out  
25 periods of time.

1 **[2.4] Dictionary, part 1, definition of *calendar month* and**  
2 **examples**

3 *substitute*

4 *calendar month* means one of the 12 months of the year.

5 **Explanatory note**

6 *Calendar month* is currently defined as ‘a period beginning at the start of any day of a named  
7 month and ending at the end of the day before the corresponding day of the next named month  
8 or, if there is no such corresponding day, at the end of the last day of the next named month.’.  
9 The definition of *month* is substituted by another amendment to replicate the substance of the  
10 current definition of *calendar month*. As a consequence, the definition of *calendar month* is  
11 being simplified in accordance with current plain language drafting style. The revised  
12 definitions of *month* and *calendar month* will be consistent with the definitions of those terms  
13 in the *Acts Interpretation Act 1901* (Cwlth) and are more consistent with how *calendar month*  
14 and *month* are generally understood. The amendments also remove the need for a definition of  
15 *named month*, which is omitted by another amendment.

16 **[2.5] Dictionary, part 1, definition of *month***

17 *substitute*

18 *month* means a period beginning at the start of any day of one of the  
19 calendar months and ending—

- 20 (a) immediately before the start of the corresponding day of the  
21 next calendar month; or
- 22 (b) if there is no such corresponding day—at the end of the next  
23 calendar month.

24 **Examples**

- 25 1 The period beginning at the start of 8 May 2014 and ending at midnight on  
26 7 June 2014 is a month.

1                   2    The period beginning at the start of 30 January 2014 and ending at midnight  
2                            on 28 February 2014 is a month. The month ends on the last day of February  
3                            because in that year, February does not have a day corresponding to  
4                            29 January (because 2014 is not a leap year). If the period began at the start  
5                            of 30 January 2016 (ie a leap year), the month would end at midnight on  
6                            29 February 2016.

7                   *Note*    An example is part of the Act, is not exhaustive and may extend, but  
8                            does not limit, the meaning of the provision in which it appears (see  
9                            [Legislation Act](#), s 126 and s 132).

10    **Explanatory note**

11    *Month* is currently defined as meaning a calendar month. The definition of *calendar month* is  
12    remade by another amendment and the substance of that definition is included in the definition  
13    of *month* by this amendment. The effect of this amendment, and the remaking of the definition  
14    of *calendar month* by another amendment, means that the definition of *named month* is no  
15    longer needed and is omitted by another amended.

16    **[2.6]        Dictionary, part 1, definition of *named month***

17                    *omit*

18    **Explanatory note**

19    This amendment omits the definition because it is made redundant as a result of the remaking of  
20    the definitions of *calendar month* and *month* by other amendments.

1    **Schedule 3            Technical amendments**

2    (see s 5)

3    **Part 3.1                Building and Construction**  
4                            **Industry (Security of Payment)**  
5                            **Act 2009**

6    **[3.1]            Section 9 (6)**

7                    *omit*

8                    To avoid doubt,

9                    *substitute*

10                  To remove any doubt,

11    **Explanatory note**

12    This amendment updates language in line with current legislative drafting practice.

13    **[3.2]            Section 9 (7), new definition of *recognised financial***  
14                            ***institution***

15                  *insert*

16                  ***recognised financial institution*** means a bank or any other person  
17                  or body prescribed by regulation.

18    **Explanatory note**

19    This amendment relocates from the dictionary a definition of a term that is used only in  
20    section 9 and updates language in line with current legislative drafting practice. The definition  
21    is omitted from the dictionary by another amendment.

1 **[3.3] Section 10 (3), definition of *reference date*, paragraph (b)**

2 *omit*

3 named month

4 *substitute*

5 calendar month

6 **Explanatory note**

7 This amendment is consequential on the remaking of the definition of *calendar month*, and the  
8 consequential omission of the definition of *named month*, in the [Legislation Act](#), dictionary,  
9 part 1 by other amendments.

10 **[3.4] Section 10 (3), definition of *reference date*, new note**

11 *insert*

12 *Note* *Calendar month*—see the [Legislation Act](#), dictionary, pt 1.

13 **Explanatory note**

14 This amendment inserts a note about a term used in the Act and defined in the [Legislation Act](#),  
15 dictionary, part 1. The definition of *calendar month* is substituted in the [Legislation Act](#),  
16 dictionary, part 1 by another amendment.

17 **[3.5] Section 15 (1)**

18 *omit*

19 a payment claim

20 *substitute*

21 a claim (a *payment claim*)

22 **Explanatory note**

23 This amendment updates language in line with current legislative drafting practice.

1 **[3.6] Section 16 (1), except notes**

2 *substitute*

- 3 (1) A respondent who is given a payment claim may reply to the claim  
4 by giving a schedule of proposed payment (a *payment schedule*) to  
5 the claimant.

6 **Explanatory note**

7 This amendment updates language in line with current legislative drafting practice.

8 **[3.7] Section 18 (2), new note**

9 *insert*

10 *Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

11 **Explanatory note**

12 This amendment inserts a standard note about service of documents.

13 **[3.8] New section 32 (2)**

14 *insert*

- 15 (2) In this section:

16 *corresponding law* means a law of the Commonwealth or another  
17 State that provides for security of payments in the building and  
18 construction industry.

19 **Explanatory note**

20 This amendment relocates from the dictionary a definition of a term that is used only in  
21 section 32. The definition is omitted from the dictionary by another amendment.

1 **[3.9] Sections 46 (1) and 47 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

5 This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2),  
6 which requires disallowable and notifiable instruments to be in writing.

7 **[3.10] Dictionary, note 2**

8 *insert*

- 9 • found guilty

10 **Explanatory note**

11 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation](#)  
12 [Act](#), dictionary, part 1. This amendment inserts a term that is used in the Act and defined in the  
13 [Legislation Act](#), dictionary, part 1.

14 **[3.11] Dictionary, definition of *corresponding law***

15 *omit*

16 **Explanatory note**

17 This amendment is consequential on the relocation of the definition to section 32 by another  
18 amendment.

19 **[3.12] Dictionary, definitions of *payment claim* and *payment***  
20 ***schedule***

21 *substitute*

22 *payment claim*—see section 15 (1).

23 *payment schedule*—see section 16 (1).

24 **Explanatory note**

25 This amendment revises the definitions in line with current legislative drafting practice and is  
26 consequential on changes to section 15 and section 16 by other amendments.

1    **[3.13]     Dictionary, definition of *recognised financial institution***

2                     *omit*

3    **Explanatory note**

4    This amendment is consequential on the relocation of the definition to section 9 by another  
5    amendment.

6    **[3.14]     Dictionary, definition of *related goods and services***

7                     *substitute*

8                     *related goods and services* for construction work—see section 8 (1).

9    **Explanatory note**

10   This amendment updates the definition in line with current legislative drafting practice.

11   **Part 3.2                             Duties Act 1999**

12   **[3.15]     Dictionary, definition of *unascertainable***

13                     *omit*

14   **Explanatory note**

15   This amendment omits a redundant term.

16   **[3.16]     Further amendments, new note**

17                     *insert*

18                     *Note*     A reference to an Act includes a reference to the statutory instruments  
19                     made or in force under the Act, including regulations (see  
20                     [Legislation Act](#), s 104).

21                     *in*

- 22                     • section 75AA, definition of *home buyer concession scheme*  
23                     • section 88  
24                     • section 104  
25                     • section 115D



- 1                   • section 191 (1) (c)  
2                   • section 246 (3)

3 **Explanatory note**

4 This amendment inserts a standard note about references to Acts including references to  
5 statutory instruments under the Act in line with current legislative drafting practice.

6 **Part 3.3                   Electoral Act 1992**

7 **[3.17]   Sections 105 (10) and 108 (5)**

8                   *omit*

9                   *Legislation Act 2001*, section 151 (4) (Reckoning of time)

10                  *substitute*

11                  *Legislation Act*, section 151A (2) (Periods of time ending on  
12 non-working days)

13 **Explanatory note**

14 This amendment corrects a cross-reference. Section 151 (Reckoning of time) was inserted in the  
15 *Legislation Act* by the *Legislation Amendment Act 2002* and applied if a period was provided or  
16 allowed for a purpose by an Act or statutory instrument. Section 151 (4), as inserted by that  
17 Amendment Act, provided as follows:

18 (4) If the last day of the period is not a working day, the last day of the period is the first  
19 working day after the end of the period.

20 Section 151 was remade by the *Statute Law Amendment Act 2005 (No 2)*, amendment 2.14 to  
21 provide comprehensively for working out the time for doing something required or allowed to  
22 be done under an Act or statutory instrument. Section 151A was inserted to deal with extending  
23 the time for something to be done if the day or the last day of the period for the thing to be done  
24 is not a working day. Section 151A (2) is fully consistent with former section 151 (4) although  
25 the definition of *working day* in section 151A (4) was changed for section 151A to specifically  
26 deal with the time for doing something at an office of a public entity where the thing must or  
27 may be done. Under the definition of *working day* for section 151A, a working day for doing  
28 something at the office of a public entity is a day when the entity's office is open. In any other  
29 case, a 'working day' is a day that is not a Saturday, Sunday or a public holiday at the place  
30 where the thing must or may be done.

1 **Part 3.4** **Energy Efficiency (Cost of**  
2 **Living) Improvement Act 2012**

3 **[3.18] Section 19 (2), new note**

4 *insert*

5 *Note 3* For how documents may be given, see the [Legislation Act](#), pt 19.5.

6 **Explanatory note**

7 This amendment inserts a standard note about service of documents.

8 **[3.19] Section 25 (3), new note**

9 *insert*

10 *Note 2* A reference to an instrument includes a reference to a provision of an  
11 instrument (see [Legislation Act](#), s 14 (2)).

12 **Explanatory note**

13 This amendment inserts a standard note about the [Legislation Act](#), section 14 (2).

14 **[3.20] Section 28C (1), new note**

15 *insert*

16 *Note 2* For how documents may be given, see the [Legislation Act](#), pt 19.5.

17 **Explanatory note**

18 This amendment inserts a standard note about service of documents.

19 **[3.21] Section 48 (2), new note**

20 *insert*

21 *Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

22 **Explanatory note**

23 This amendment inserts a standard note about service of documents.

1 **[3.22] Dictionary, definition of *information requirement***

2 *substitute*

3 *information requirement*, for division 5.5C (Information  
4 requirements)—see section 49J (2).

5 **Explanatory note**

6 This amendment corrects a cross-reference.

7 **[3.23] Dictionary, new definition of *shortfall penalty***

8 *insert*

9 *shortfall penalty*—see section 22 (1).

10 **Explanatory note**

11 This amendment inserts a signpost definition for a term defined elsewhere in the Act.

12 **[3.24] Further amendments, new note**

13 *insert*

14 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

15 *in*

- 16 • section 17 (1)  
17 • section 20 (7)  
18 • section 20A (7)  
19 • section 20B (3)  
20 • section 21 (6)  
21 • section 28B (1)  
22 • section 43 (4)  
23 • section 47 (2)  
24 • section 49E (7)  
25 • section 49F (3)  
26 • section 49G (6)

- 1                   • section 49J (2)

2     **Explanatory note**

3     This amendment inserts a standard note about service of documents.

4     **Part 3.5                                  Government Procurement**  
5   **Act 2001**

6     **[3.25]      Section 44, definition of *relevant date***

7                   *before*

8                   month

9                   *insert*

10                  calendar

11     **Explanatory note**

12     This amendment updates the definition as a consequence of amendments of the definitions of  
13     *calendar month* and *month* in the [Legislation Act](#), dictionary, part 1 by other amendments.

14     **[3.26]      Section 44, definition of *relevant date*, note**

15                   *substitute*

16                  *Note*     *Calendar month*—see the [Legislation Act](#), dictionary, pt 1.

17     **Explanatory note**

18     This amendment remakes the note as a consequence of amendments of the definitions of  
19     *calendar month* and *month* in the [Legislation Act](#), dictionary, part 1 by other amendments.

20     **[3.27]      Section 51 (1)**

21                   *omit*

22                   , in writing,

23     **Explanatory note**

24     This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2),  
25     which requires notifiable instruments to be in writing.

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## 1 Part 3.6 Land Rent Act 2008

### 2 [3.28] Section 22

3 *omit*

4 calendar

#### 5 Explanatory note

6 This amendment omits a word as a consequence of the amendments of the definitions of  
7 *calendar month* and *month* in the [Legislation Act](#), dictionary, part 1 by other amendments.

### 8 [3.29] Dictionary, definition of *lessee*

9 *omit*

10 part 3 (Land rent—discount)

11 *substitute*

12 division 3.1 (Lessees generally)

#### 13 Explanatory note

14 This amendment corrects a cross-reference.

## 15 Part 3.7 Land Tax Act 2004

### 16 [3.30] Section 10 (2), new definition of *rural land*

17 *before the note, insert*

18 *rural land* means—

- 19 (a) rateable land leased for the purpose of primary production  
20 only; or  
21 (b) rateable land leased for the purpose of primary production and  
22 other purposes but used mainly for primary production; or

1                    (c) a parcel of rateable land included in the common property of a  
2                    community title scheme under the *Community Title Act 2001*,  
3                    if no parcel of land in the scheme is—

4                    (i) residential land; or

5                    (ii) leased for a commercial purpose.

6                    **Explanatory note**

7                    This amendment relocates from the dictionary a definition of a term that is used only in  
8                    section 10. The definition is omitted from the dictionary by another amendment.

9                    **[3.31]      New section 17 (7)**

10                    *insert*

11                    (7) In this section:

12                    *assessment notice*, in relation to land tax, means a notice of  
13                    assessment under the Taxation Administration Act, section 14 in  
14                    relation to the land tax.

15                    **Explanatory note**

16                    This amendment relocates from the dictionary a definition of a term that is used only in  
17                    section 17. The definition is omitted from the dictionary by another amendment.

18                    **[3.32]      Sections 19 and 19A**

19                    *omit*

20                    calendar

21                    **Explanatory note**

22                    This amendment omits a word as a consequence of the amendments of the definitions of  
23                    *calendar month* and *month* in the *Legislation Act*, dictionary, part 1 by other amendments.

1 **[3.33] Section 34 (1)**

2 *omit*

3 , in writing,

4 **Explanatory note**

5 This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2),  
6 which requires notifiable instruments to be in writing.

7 **[3.34] Section 43 (1)**

8 *omit*

9 , in writing,

10 **Explanatory note**

11 This amendment omits words that are redundant because of the [Legislation Act](#), section 42 (2),  
12 which requires disallowable instruments to be in writing.

13 **[3.35] Dictionary, note 2**

14 *omit*

- 15
  - calendar month

16 **Explanatory note**

17 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation](#)  
18 [Act](#), dictionary, part 1. This amendment omits a term that is no longer used in the Act as a  
19 consequence of another amendment.

20 **[3.36] Dictionary, definition of *assessment notice***

21 *omit*

22 **Explanatory note**

23 This amendment is consequential on the relocation of the definition to section 17 by another  
24 amendment.

1    **[3.37]    Dictionary, definition of *rural land***

2                    *omit*

3    **Explanatory note**

4    This amendment is consequential on the relocation of the definition to section 10 by another  
5    amendment.

6    **Part 3.8                    Radiation Protection Act 2006**

7    **[3.38]    Section 36 (1), new note**

8                    *insert*

9                    *Note*    For how documents may be given, see the [Legislation Act](#), pt 19.5.

10   **Explanatory note**

11   This amendment inserts a standard note about service of documents.

12   **[3.39]    Section 37 (2), new note**

13                    *insert*

14                    *Note 2*   For how documents may be given, see the [Legislation Act](#), pt 19.5.

15   **Explanatory note**

16   This amendment inserts a standard note about service of documents.

17   **[3.40]    Sections 43 (2), 45 (2) and 47 (2)**

18                    *omit*

19                    all or any

20                    *substitute*

21                    1 or more

22   **Explanatory note**

23   This amendment updates language in line with current legislative drafting practice.



1 **[3.41] Section 70 (1)**

2 *omit*

3 to be

4 *substitute*

5 as

6 **Explanatory note**

7 This amendment updates language in line with current legislative drafting practice.

8 **[3.42] Section 89**

9 *omit*

10 to be

11 *substitute*

12 as

13 **Explanatory note**

14 This amendment updates language in line with current legislative drafting practice.

15 **[3.43] Section 102 (4), new note**

16 *insert*

17 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

18 **Explanatory note**

19 This amendment inserts a standard note about service of documents.

20 **[3.44] Section 116 (2), new note**

21 *insert*

22 *Note 3* A reference to an instrument includes a reference to a provision of an  
23 instrument (see [Legislation Act](#), s 14 (2)).

24 **Explanatory note**

25 This amendment inserts a standard note about the [Legislation Act](#), section 14 (2).

---

1    **[3.45]    Section 117 (2)**

2                    *omit*

3                    written

4    **Explanatory note**

5    This amendment omits a redundant word because of the [Legislation Act](#), section 42 (2), which  
6    requires notifiable instruments to be in writing.

7    **[3.46]    Section 122 (2), new note**

8                    *insert*

9                    *Note 3*    A reference to an instrument includes a reference to a provision of an  
10                   instrument (see [Legislation Act](#), s 14 (2)).

11   **Explanatory note**

12   This amendment inserts a standard note about the [Legislation Act](#), section 14 (2).

13   **[3.47]    Dictionary, note 2**

14                    *insert*

- 15                    •    found guilty

16   **Explanatory note**

17   Dictionary, note 2 lists examples of terms used in the Act that are defined in the  
18   [Legislation Act](#), dictionary, part 1. This amendment inserts a new term used in the Act and  
19   defined in the [Legislation Act](#), dictionary, part 1.

20   **[3.48]    Dictionary, definition of *analysis***

21                    *omit*

22   **Explanatory note**

23   This amendment omits the definition of *analysis*, as it is no longer used in the Act.

1 **[3.49] Dictionary, definition of *incorporated document*,**  
2 **paragraph (b)**

3 *omit*

4 (or a provision of an instrument)

5 **Explanatory note**

6 This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2),  
7 which provides that a reference to an instrument includes a reference to a provision of an  
8 instrument.

9 **[3.50] Dictionary, definition of *incorporated document notice***

10 *omit*

11 **Explanatory note**

12 This amendment omits the definition of *incorporated document notice*, as it is used only in  
13 section 117.

14 **[3.51] Dictionary, definition of *incorporated document*, new note**

15 *insert*

16 *Note 2* A reference to an instrument includes a reference to a provision of an  
17 instrument (see [Legislation Act](#), s 14 (2)).

18 **Explanatory note**

19 This amendment inserts a note to assist legislation users and is consequential on another  
20 amendment.

## 1 Part 3.9 Rates Act 2004

### 2 [3.52] Section 21

3 *omit*

4 calendar

#### 5 Explanatory note

6 This amendment omits a word as a consequence of the amendments of the definitions of  
7 *calendar month* and *month* in the [Legislation Act](#), dictionary, part 1 by other amendments.

### 8 [3.53] Dictionary, note 2

9 *omit*

- 10 • calendar month

#### 11 Explanatory note

12 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation](#)  
13 [Act](#), dictionary, part 1. This amendment omits a term that is no longer used in the Act as a  
14 consequence of another amendment.

## 15 Part 3.10 Road Transport (Driver 16 Licensing) Regulation 2000

### 17 [3.54] Section 2, note 1

18 *substitute*

19 *Note 1* The dictionary at the end of this regulation defines certain terms used in  
20 this regulation, and includes references (*signpost definitions*) to other  
21 terms defined elsewhere.

22 For example, the signpost definition ‘*infringement notice*—see the  
23 [Road Transport \(General\) Act 1999](#), dictionary.’ means that the term  
24 ‘infringement notice’ is defined in that dictionary and the definition  
25 applies to this regulation.

#### 26 Explanatory note

27 This amendment updates the note because of a redundant signpost definition.

1 **[3.55] Section 73K, definition of *drug-related disqualifying***  
2 ***offence*, paragraph (e)**

3 *omit*

4 **Explanatory note**

5 This amendment omits a redundant provision.

6 **[3.56] Sections 124 (3), 127 (3), 130 (2) and 132 (2), new note**

7 *insert*

8 *Note* For how documents may be served, see the [Legislation Act](#), pt 19.5.

9 **Explanatory note**

10 This amendment inserts a standard note about service of documents.

11 **[3.57] Further amendments, new note**

12 *insert*

13 *Note* For how documents may be given, see the [Legislation Act](#), pt 19.5.

14 *in*

- 15 • section 55 (4)
- 16 • section 69 (6)
- 17 • section 73G (2)
- 18 • section 73P (2)
- 19 • section 73ZA (1)
- 20 • section 73ZG (3)
- 21 • section 73ZK (2)
- 22 • section 76 (1)
- 23 • section 78 (2)
- 24 • section 79
- 25 • section 81 (3)
- 26 • section 85 (2)
- 27 • section 88 (1)

- 1 • section 88AA (2)
- 2 • section 89 (2)
- 3 • section 103 (1)
- 4 • section 120 (1)
- 5 • section 121 (1)
- 6 • section 136

7 **Explanatory note**

8 This amendment inserts a standard note about service of documents.

9 **[3.58] Further amendments, new note**

10 *insert*

11 *Note 2* For how documents may be given, see the [Legislation Act](#), pt 19.5.

12 *in*

- 13 • section 56 (2)
- 14 • section 73C (3)
- 15 • section 73D (3)
- 16 • section 73E (2)
- 17 • section 73F (2)
- 18 • section 73L (3)
- 19 • section 73M (3)
- 20 • section 73N (2)
- 21 • section 73O (2)
- 22 • section 73ZE (3)
- 23 • section 73ZM (2)
- 24 • section 73ZZB (1)
- 25 • section 80 (1)
- 26 • section 105 (1)

27 **Explanatory note**

28 This amendment inserts a standard note about service of documents.

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## 1 Part 3.11 Totalisator Act 2014

### 2 [3.59] Section 29 (1), note

3 *substitute*

4 *Note 1* An executive officer who fails to comply with a requirement under this  
5 subsection is no longer an *eligible person* (see s 25 (1) (a) (vii)).

6 *Note 2* The *Statutory Declarations Act 1959* (Cwlth) applies to the making of  
7 statutory declarations under ACT laws.

8 *Note 3* It is an offence to make a false or misleading statement, give false or  
9 misleading information or produce a false or misleading document (see  
10 [Criminal Code](#), pt 3.4).

11 *Note 4* For how documents may be given, see the [Legislation Act](#), pt 19.5.

#### 12 Explanatory note

13 This amendment corrects a cross-reference in note 1 and inserts 3 standard notes about statutory  
14 declarations and service of documents.

### 15 [3.60] Section 66, new note

16 *insert*

17 *Note 3* For how documents may be given, see the [Legislation Act](#), pt 19.5.

#### 18 Explanatory note

19 This amendment inserts a standard note about service of documents.

### 20 [3.61] Dictionary, note 2

21 *insert*

- 22 • found guilty

#### 23 Explanatory note

24 Dictionary, note 2 lists examples of terms used in the Act that are defined in the [Legislation](#)  
25 [Act](#), dictionary, part 1. This amendment inserts a new term used in the Act and defined in the  
26 [Legislation Act](#), dictionary, part 1.

1    **[3.62]    Dictionary, definition of *betting***

2            *omit*

3            moneys

4            *substitute*

5            money

6    **Explanatory note**

7    This amendment updates language in line with current legislative drafting practice.

8    **[3.63]    Dictionary, definition of *licensee***

9            *omit*

10   **Explanatory note**

11   The [Legislation Act](#), section 157 provides that if an Act defines a term, other parts of speech  
12   and grammatical forms of the term have corresponding meanings. The term *licence* is defined  
13   in the dictionary. This amendment omits the definition of *licensee* because it is redundant.

14   **[3.64]    Further amendments, new note**

15            *insert*

16            *Note*    For how documents may be given, see the [Legislation Act](#), pt 19.5.

17            *in*

- 18            • section 8 (1)
- 19            • section 9 (2)
- 20            • section 17 (2)
- 21            • section 18 (2)
- 22            • section 21 (2)
- 23            • section 28
- 24            • section 31
- 25            • section 34
- 26            • section 42 (2)
- 27            • section 43 (2)



- 1 • section 44 (4)
- 2 • section 49 (2)
- 3 • section 51 (4)
- 4 • section 52 (1)
- 5 • section 70 (3)
- 6 • section 71 (1)

7 **Explanatory note**

8 This amendment inserts a standard note about service of documents.

9 **Part 3.12 Utilities Act 2000**

10 **[3.65] Section 5A, note 1**

11 *insert*

- 12 • s 54L (Offence—failure to register)
- 13 • s 243 (Identity cards)
- 14 • s 248 (Interference with territory networks)

15 **Explanatory note**

16 Section 5A, note 1 lists the offences in the Act to which the [Criminal Code](#) applies. This  
17 amendment updates the note to include references to additional offences.

18 **[3.66] Section 21 (4)**

19 *omit*

20 avoid

21 *substitute*

22 remove

23 **Explanatory note**

24 This amendment updates language in line with current legislative drafting practice.

1    **[3.67]    Section 38 (1), new note**

2            *insert*

3            *Note 3*    For how documents may be given, see the [Legislation Act](#), pt 19.5.

4    **Explanatory note**

5    This amendment inserts a standard note about service of documents.

6    **[3.68]    Section 49 (2)**

7            *omit*

8            all or any

9            *substitute*

10          1 or more

11   **Explanatory note**

12   This amendment updates language in line with current legislative drafting practice.

13   **[3.69]    Section 53 (3) (b)**

14          *omit*

15          any

16   **Explanatory note**

17   This amendment updates language in line with current legislative drafting practice.

18   **[3.70]    Section 54N, note 2**

19          *substitute*

20          *Note 2*    In particular, an appointment may be made by naming a person or  
21                  nominating the occupant of a position (see [Legislation Act](#), s 207).

22   **Explanatory note**

23   This amendment updates a standard note about appointments.

1 **[3.71] Section 55 (2)**

2 *omit*

3 all or any

4 *substitute*

5 1 or more

6 **Explanatory note**

7 This amendment updates language in line with current legislative drafting practice.

8 **[3.72] Section 55 (4)**

9 *omit*

10 , or a provision of an instrument,

11 **Explanatory note**

12 This amendment omits words that are redundant because of the [Legislation Act](#), section 14 (2),  
13 which provides that a reference to an instrument includes a reference to a provision of an  
14 instrument.

15 **[3.73] Section 55 (4), note 1**

16 *omit*

17 (or a provision of a law or instrument)

18 **Explanatory note**

19 This amendment omits words that are redundant because of the [Legislation Act](#), section 7 (3),  
20 section 13 (3) and section 14 (2) which provide respectively that a reference to an Act, statutory  
21 instrument or an instrument includes a reference to a provision of an Act, statutory instrument  
22 or instrument.

1    **[3.74]    Section 55 (4), note 2**

2            *omit*

3            (or a provision of a law or instrument), the law, instrument or provision

4            *substitute*

5            , the law or instrument

6    **Explanatory note**

7    This amendment omits words that are redundant because of the [Legislation Act](#), section 7 (3),  
8    section 13 (3) and section 14 (2) which provide respectively that a reference to an Act, statutory  
9    instrument or an instrument includes a reference to a provision of an Act, statutory instrument  
10    or instrument.

11   **[3.75]    Section 55 (4), new note**

12           *insert*

13           *Note 3*    A reference to an instrument includes a reference to a provision of an  
14           instrument (see [Legislation Act](#), s 14 (2)).

15   **Explanatory note**

16   This amendment inserts a note to assist legislation users and is consequential on another  
17   amendment.

18   **[3.76]    Section 83 (3)**

19           *omit*

20           avoid

21           *substitute*

22           remove

23   **Explanatory note**

24   This amendment updates language in line with current legislative drafting practice.

1 **[3.77] New section 83 (4)**

2 *insert*

3 (4) In this section:

4 *water distributor* means—

5 (a) in relation to the collection or treatment of water, or both, for  
6 distribution through a water network—a utility licensed for the  
7 service; and

8 (b) in relation to the distribution of water through a water  
9 network—a utility licensed for the service; and

10 (c) in relation to the provision of a water connection service to  
11 premises—a utility licensed to provide the service for the  
12 premises.

13 **Explanatory note**

14 This amendment relocates from the dictionary a definition of a term that is used only in  
15 section 83. The definition is omitted from the dictionary by another amendment.

16 **[3.78] Section 85 (3)**

17 *omit*

18 *avoid*

19 *substitute*

20 *remove*

21 **Explanatory note**

22 This amendment updates language in line with current legislative drafting practice.

1    **[3.79]    Section 100 (3), new note**

2                    *insert*

3                    *Note*    An example is part of the Act, is not exhaustive and may extend, but  
4                    does not limit, the meaning of the provision in which it appears (see  
5                    [Legislation Act](#), s 126 and s 132).

6    **Explanatory note**

7    This amendment inserts a standard note about examples.

8    **[3.80]    Section 135 (2), new note**

9                    *insert*

10                   *Note 1A* In particular, an appointment may be made by naming a person or  
11                   nominating the occupant of a position (see [Legislation Act](#), s 207).

12   **Explanatory note**

13   This amendment inserts a standard note about appointments.

14   **[3.81]    Section 136 (2), new note**

15                   *insert*

16                   *Note 2*    For how documents may be given, see the [Legislation Act](#), pt 19.5.

17   **Explanatory note**

18   This amendment inserts a standard note about service of documents.

1 **[3.82] Section 149A**

2 *substitute*

3 **149A Definitions—pt 9A**

4 In this part:

5 *essential service* means electricity, gas or water.

6 *essential service restriction* means a restriction or other regulation  
7 prescribed by regulation in relation to the use of an essential service.

8 **Explanatory note**

9 This amendment updates a provision in line with current legislative drafting practice.

10 **[3.83] Dictionary, definitions of *essential service* and *essential***  
11 ***service restriction***

12 *substitute*

13 *essential service*, for part 9A (Shortage of essential services)—see  
14 section 149A.

15 *essential service restriction*, for part 9A (Shortage of essential  
16 services)—see section 149A.

17 **Explanatory note**

18 This amendment updates definitions in line with current legislative drafting practice.

19 **[3.84] Dictionary, definition of *water distributor***

20 *omit*

21 **Explanatory note**

22 This amendment is consequential on the relocation of the definition to section 83 by another  
23 amendment.

1    **[3.85]    Further amendments, new note**

2            *insert*

3            *Note*      For how documents may be given, see the [Legislation Act](#), pt 19.5.

4            *in*

- 5            • section 42 (1) (a)
- 6            • section 45 (5)
- 7            • section 48 (3)
- 8            • section 49 (1)
- 9            • section 57 (2)
- 10          • section 58 (6)
- 11          • section 59 (3)
- 12          • section 75I (2)
- 13          • section 88 (2)
- 14          • section 89 (3)
- 15          • section 109 (1)
- 16          • section 110 (2)
- 17          • section 111 (2)
- 18          • section 176 (2)
- 19          • section 181 (6)
- 20          • section 235 (1)
- 21          • section 236 (2)
- 22          • section 238 (2)
- 23          • section 249 (2)

24    **Explanatory note**

25    This amendment inserts a standard note about service of documents.



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1 **Part 3.13** **Working with Vulnerable People**  
2 **(Background Checking) Act 2011**

3 **[3.86] Section 28 (2)**

4 *omit*

5 Without limiting subsection (1), the risk assessment guidelines must

6 *substitute*

7 The risk assessment guidelines must

8 **Explanatory note**

9 This amendment omits words that are redundant because of the [Legislation Act](#), section 44 (3).  
10 Section 44 (3) provides that the power to make a statutory instrument (including a disallowable  
11 instrument) about a particular matter does not limit power to make a statutory instrument about  
12 any other matter.

13 **[3.87] Section 34 (1), new note**

14 *insert*

15 *Note 3* In particular, an appointment may be made by naming a person or  
16 nominating the occupant of a position (see [Legislation Act](#), s 207).

17 **Explanatory note**

18 This amendment inserts a standard note about appointments.

19 **[3.88] Section 34 (3), new note**

20 *insert*

21 *Note* A person may be reappointed to a position if the person is eligible to be  
22 appointed to the position (see [Legislation Act](#), s 208 (1) (c)).

23 **Explanatory note**

24 This amendment inserts a standard note about reappointments.

1    **[3.89]    Section 40 (2) (a), new note**

2                    *insert*

3                    *Note 2*    For how documents may be given, see the [Legislation Act](#),  
4                    pt 19.5.

5    **Explanatory note**

6    This amendment inserts a standard note about service of documents.

7    **[3.90]    Section 43 (1), new note**

8                    *insert*

9                    *Note*      For how documents may be given, see the [Legislation Act](#), pt 19.5.

10   **Explanatory note**

11   This amendment inserts a standard note about service of documents.

12   **[3.91]    Section 49 (2) (a)**

13                    *omit*

14                    (*a registration number*)

15   **Explanatory note**

16   This amendment omits a term no longer used in the Act.

17   **[3.92]    Section 58 (1), new note**

18                    *insert*

19                    *Note*      For how documents may be given, see the [Legislation Act](#), pt 19.5.

20   **Explanatory note**

21   This amendment inserts a standard note about service of documents.

1 **[3.93] Section 71 (2)**

2 *omit*

3 Without limiting subsection (1), a regulation

4 *substitute*

5 A regulation

6 **Explanatory note**

7 This amendment omits words that are redundant because of the [Legislation Act](#), section 44 (3).  
8 Section 44 (3) provides that the power to make a statutory instrument (including a regulation)  
9 about a particular matter does not limit power to make a statutory instrument about any other  
10 matter.

11 **[3.94] Dictionary, definition of *registration number***

12 *omit*

13 **Explanatory note**

14 This amendment omits a signpost definition that is made redundant as a result of another  
15 amendment.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 25 September 2014.

**2 Notification**

Notified under the [Legislation Act](#) on 2014.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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